

## Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 FRB-03 OMB-01 ITC-01 SP-02

USIA-06 AGR-05 AID-05 CIAE-00 COME-00 EB-07 INR-07

LAB-04 NSAE-00 OIC-02 SIL-01 STR-04 TRSE-00 CIEP-01

CEA-01 EA-07 NEA-10 OPIC-03 AGRE-00 /099 R

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APPROVED BY L:MFELDMA'

EB/IFD:EPREEG

EB/IFD/BP:WLOCKWOOD

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R 110059Z SEP 76

FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO USMISSION OECD PARIS

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E.O. 11652:N/A

TAGS: OECD, UNCTAD, ETRD, TECH

SUBJ: TRANSFER OF TECHNOLOGY - CODE OF CONDUCT-GROUP B  
MEETING IN PARIS SEPTEMBER 23-24

1. PARIS MEETING ON SE,T. 23-24 IS DESIGNED TO BEGIN  
GROUP B COORDINATION PROCESS IN PREPARATION FOR UNCTAD  
MEETING OF NOV. 8-20 ON CODE OF CONDUCT FOR TRANSFER OF  
TECHNOLOGY.

2. IN ORDER THAT GROUP B MAKE MOST PRODUCTIVE POSSIBLE  
USE OF MEETING, WE WOULD LIKE TO PROPOSE THE FOLLOWING  
SUBJECTS FOR DISCUSSION AT PARIS MEETING:

A) UPON WHAT PREMISE WILL GROUP B ENTER INTO NEGOTIATION,  
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I.E. WILL GROUP B ASSUME (I) THAT G-77 WILL EVENTUALLY

VOTE TO TURN CODE INTO A TREATY AND THEREFORE, WHILE  
MAINTAINING POSITION THAT ONLY VOLUNTARY CODE IS ACCEPTABLE,  
GROUP B WILL NEGOTIATE AS THOUGH CODE WILL BE TREATY, OR  
(II) CAN GROUP B BE MORE FORTHCOMING IN NEGOTIATIONS ON  
PREMISE THAT THEY ARE NEGOTIATING VOLUNTARY CODE AND WILL  
NOT ACCEDE TO ANY TREATY THAT G-77 MAY DERIVE FROM CODE?

B) WILL GROUP B ACCEPT USE OF WORDS "SHALL" OR "WILL" IN  
CODE, OR INSIST THAT "SHOULD" IS ONLY ACCEPTABLE WORD  
CONSISTENT WITH VOLUNTARY NATURE OF CODE?

C) TO WHAT EXTENT SHOULD GROUP B REVISE ITS OWN DRAFT  
PRIOR TO NOVEMBER MEETING?

D) DOES GROUP B FAVOR ESTABLISHMENT OF MULTIPLE  
DRAFTING GROUPS DURING COURSE OF NOVEMBER MEETING OR ONLY  
ONE SUCH GROUP?

3. ACTION REQUESTED:

PLEASE BRING ABOVE ISSUES TO ATTENTION OF APPROPRIATE  
GROUP B REPS AT EARLIEST CONVENIENT TIME AND REQUEST  
THAT THEY ENDEAVOR TO HAVE AT LEAST PRELIMINARY POSITIONS  
READY FOR DISCUSSION AT PARIS. AS YOU DEEM APPROPRIATE,  
YOU MAY ADVISE GROUP B MEMBERS THAT TENTATIVE U.S. VIEWS  
-- STILL SUBJECT TO MODIFICATION -- ARE A) THAT GROUP B  
SHOULD OPENLY STATE THAT IT IS NEGOTIATING ON ASSUMPTION  
THAT CODE WILL BE VOLUNTARY; B) THAT ONLY "SHOULD" IS  
ACCEPTABLE; C) THAT GROUP B SHOULD AT LEAST EXAMINE  
POSSIBILITY OF MODIFYING ITS DRAFT BUT THAT NOTHING  
DEFINITIVE SHOULD BE ATTEMPTED BEFORE WE SEE RESULTS OF  
G-77 OCTOBER MEETING IN MEXICO ON CODE; AND D) NUMBER OF  
GROUPS SHOULD BE KEPT AS SMALL AS POSSIBLE.

4. SHOULD OTHER GROUP B COUNTRIES HAVE ADDITIONAL ISSUES  
THEY WISH TO DISCUSS ON PARIS, PLEASE ADVISE ASAP.

5. FURTHER ACTION REQUESTED:

PLEASE APPROACH MONTGOMERY OF CANADA ON CONFIDENTIAL BASIS  
TO INQUIRE AS TO DEVELOPMENTS IN SELECTION OF GROUP B  
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COORDINATOR FOR WORKING GROUP ON CODE OF CONDUCT. PLEASE  
ADVISE. KISSINGER

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## Message Attributes

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